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Minority report.
Committee to investigate the troubles in Kansas.

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U. S. Congress House. Committee to investigate the troubles in Kansas

MINORITY REPORT.

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MINORITY REPORT.

JULY 11, 1856.—Ordered to be printed.

Mr. MORDECAI OLIVER, from the Select Committee, submitted the following views of the minority.

The undersigned, member of the committee of three appointed by the House of Representatives to investigate the state of affairs in Kansas, disagreeing with the views and conclusions of his two colleagues, in the written statement submitted by them touching the result of their investigations, begs leave, under the permission of the House, to present a counter-statement.

The authority under which the committee acted was an order of this House, passed the 19th of March last, directing them to "proceed to inquire into, and collect evidence in regard to, the troubles in Kansas generally, and particularly in regard to any fraud or force attempted or practised in reference to any of the elections which have taken place in said Territory, either under the law organizing said Territory or any *pretended law* which may be alleged to have take effect there since; and when the investigation was completed, to report the evidence so collected to the House."

Under this resolution the committee entered upon the discharge of the duties imposed on them with as much dispatch as possible. Their labors were closed at Westport, Missouri, on the 9th of June, 1856. The paper in the nature of a report, drawn up by the colleagues of the undersigned on the committee, was not read to or by him, and he knew nothing of its contents or character until it was presented to the House. It was not the expectation of the undersigned that any other report would be submitted by them than the testimony taken. A full execution of the commission of the House, he thought, was the presentation of the evidence collected. But as the majority of the committee have thought proper to comment on the character of the testimony, and to give their version of the substance of the facts, which is altogether at variance from his understanding of both, the undersigned feels it incumbent on him to follow their example, by presenting like comments on his part.

It must have been apparent to all, that the report of the majority was not only *ex parte* and one-sided, but highly partisan in its character from beginning to end. This appears all through the paper, in the manner of their statement of all things referred to by them, as facts, many of which statements of facts thus made rest upon no evidence whatever collected by the committee

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To justify this remark, the undersigned will, in the beginning of what he has to offer, barely allude to a few statements in the report of the majority, from which its whole character may be judged. It is, for instance, said by the majority, that "a party under H. C. Pate, composed *chiefly of citizens of Missouri*, were taken prisoners by a party of settlers; and while your committee were at Westport, a company, chiefly of Missourians, accompanied by the sitting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops."

Now, the undersigned affirms most positively that this statement has not one particle of proof, taken before the committee, to rest upon! There is no testimony in the whole mass collected by the committee on that matter—none at all. But the undersigned affirms, that, in in his opinion, and according to the best of his information and belief, the fact is contrary to the statement of the majority; at all events, so far as relates to Captain Pate. Since that report has been made, under indulgence granted by this House, testimony has been taken on that point, from which it is made very clearly to appear that this statement, made without proof in the first instance, was founded wholly in error. Captain Pate himself—a man of character and integrity—swears that, to the best of his knowledge, "not one of them were citizens of Missouri." This deposition the undersigned here refers to, without spreading it out at large, and makes it a part of his report as fully and completely as if it were given in full in this place.

Again. The statement about the "young man being seized in the town of Atchison, and, under circumstances of gross barbarity, tarred and cottoned, and in that condition sent to his family," is entirely unsustained by any proof in the mass of that taken by the committee. It is true, testimony was taken as to alleged facts of this character; but when it was proposed to go fully into the investigation of the whole truth of such charges, and not to rest them on *ex parte* statements alone, the majority of the committee abandoned the investigation, and struck out the testimony which they had taken. But the undersigned has not time to go on with such specifications. He will here barely add, that all like statements in the report, as to the existing condition of the Territory, are wholly gratuitous and unsupported by any testimony taken by the committee. For the correctness of what he now affirms, the undersigned appeals to the testimony on file; and to counteract the impression of such statements by the majority of the committee, he begs leave to refer to the sworn depositions hereunto appended and made part of his report, as fully as if the same were set forth at large.

The undersigned affirms, most positively and distinctly, that the testimony taken by the committee contains no matter going to disprove or deny in the slightest degree these great, leading, and controlling facts in the merits of the controversy which gave rise to the organization of this committee, to wit: that an election for a Territorial legislature was held in Kansas Territory on the 30th of March, 1855, in pursuance of the proclamation of A. H. Reeder, governor of the Territory under the organic law; that, in that proclamation, the time and places of voting were set forth; that the judges of election

were appointed by him, with instructions as to how their places were to be filled if they or any of them refused or failed to act; that he reserved the power to himself to judge, in the first instance, of the election returns, and that he did so act; that the returns were made to him, and he did set aside the election of but nine members of the twenty-six elected to the house of representatives, and three of the thirteen elected to the council, and gave his certificate of election to the other seventeen members of the house, and ten members of the council, being a majority of both branches of the legislature; that he ordered new elections in those districts where he had set aside the returns; that the governor convened the legislature, thus constituted, according to law, on the 1st of July, 1855, and communicated with them officially after they were organized, and recognised them as a legally and properly constituted law-making body; and never, until August, 1855, after he was removed from the office of governor, did he object to the election of a majority of the legislature, both in the council and in the house of representatives, to whom he had previously given certificates.

These great leading and essential facts, upon which the validity or invalidity of laws, or "*pretended laws*," of Kansas must rest, are not denied, or even assailed, by a particle of testimony taken by the committee; and, with these facts unassailed and unimpeached, it is beyond the comprehension of the undersigned how the majority could come to the conclusion that the laws passed by the Territorial legislature were null and void in consequence of any illegality, even if such had been proved, in the election of its members. All questions relating to that election were closed by their waiver at the proper time, and without an investigation by the proper authority. This is a well-fixed principle in all our representative institutions; upon it they all rest, and with the correctness of it Governor Reeder himself seems to be duly impressed. This the testimony clearly discloses. In a letter found in the streets of Lawrence, and proven before the committee to be in the hand-writing of Governor Reeder, and bearing his genuine signature, dated in this city on the 12th of February, 1856, and addressed to a friend of his in Kansas Territory, he says:

"As to putting a set of laws in operation in opposition to the Territorial government, my opinion is confirmed instead of being shaken; my predictions have all been verified so far, and will be in the future. *We will be, so far as legality is concerned, in the wrong; and that is no trifling matter, in so critical a state of things, and in view of such bloody consequences.* * * * * * I may speak my plain and private opinion to our friends in Kansas, for it is my duty. But to the public, as you will see by my published letter, I show no divided front."

This letter, and another also found, were addressed, as it is understood, to Grosvenor P. Lowrey, his friend, and formerly his private secretary, while he was governor of Kansas; and so important a bearing had they upon the *main facts of the case*, which are the *legality of the Territorial legislature and their enactments*, that the majority of the committee, after they had admitted them as evidence, as it was clearly understood by all parties, attempted to reject them. The following is their action in regard to them:

"The counsel for J. W. Whitfield, having at Leavenworth city offered in evidence before the committee two letters written by A. H. Reeder—the one dated Washington, January 20, 1856, the other dated Washington, February 12, 1856—and, before offering the said letters, their authenticity, both as to the signature and hand-writing in the body of said letters, was proved to be the proper hand-writing and signature of A. H. Reeder, and of which facts the committee were satisfied; but a majority of the committee—Messrs. Howard and Sherman—not being satisfied, at the time, of the propriety of the admission of such evidence, took the matter under consideration; and now, at this day, at the sitting of the committee at Westport, the question of the admission of said letters as evidence came up for consideration and decision, and a majority of the committee, Messrs. Howard and Sherman—Mr. Oliver dissenting—decline to receive said letters in evidence, and to be engrafted into and to constitute a portion of the evidence taken by the committee in their investigations, upon the ground that they, the committee, have not the rightful possession of them; they having been found in the street, and being clearly private letters, or so declared to be by the majority of the committee. The said majority of the committee take no objection to the relevancy or competency of said letters as evidence; but place their objection solely upon the grounds above stated, not denying that said letters might be evidence against said A. H. Reeder in a criminal prosecution. The committee admit that the copies of said letters, furnished to the committee for the purpose of having them transcribed into the evidence, are true and genuine copies of the originals offered in evidence, and which said copies are hereto appended, marked (A) and (B), and made part of this protest.

"The counsel for J. W. Whitfield, and on behalf of the law and order party in Kansas Territory, offer said letters in evidence for the double purpose of showing the opinions and admissions of A. H. Reeder, in reference to the matters and subjects connected with the elections of the 30th of March, 1855, in the Territory, and the contest now pending between Whitfield and Reeder in the House of Representatives, as well as to show the complicity of A. H. Reeder in all the troubles which have led to bloodshed and civil war in the Territory.

"To the refusal of the majority of said committee to receive said letters in evidence Mr. Oliver enters his protest; and also the said John W. Whitfield, by his attorneys, protests against the action of a majority of the committee in refusing the admission of said letters in evidence, as depriving him of his just rights in the investigation before the committee, and in showing to the country the true ground and source of all the difficulties in Kansas Territory.

"J. W. WHITFIELD.
By his Attorneys,
"AUSTIN A. KING,
"JOHN SCOTT.

"WESTPORT, Mo., *June* 7, 1856.

"The above protest was this day presented, and the accompanying

copies of letters, marked by me 'Exhibit A, accompanying protest,' and 'Exhibit B, with protest.'

"WM. A. HOWARD,
"*Chairman K. C.*

"WESTPORT, *June* 7, 1856."

But the undersigned insists that they were not only competent, but pertinent to the main issue which the committee were sent out to investigate. He therefore incorporates copies of them in this report; he appends them to it, and makes them part of the same as fully as if here entered at large.

These remarks, touching the general character of the majority's report, and what has not been proved, are preliminary to such comments as the undersigned intends to submit on the matters which were elicited by the investigation. And another fact on the same line of preliminary observations, deserving, in his opinion, to be noticed, is, that witnesses were examined by the committee in but three places in the Territory, to wit: Lawrence, Tecumseh, and Leavenworth city; except that the testimony of Daniel Woodson, secretary of the Territory, was taken informally at Lecompton, in regard to the loss of poll-books in certain districts, and also a certain letter said to have been written by him. All the places in which witnesses were examined touching the election of the 30th of March, 1855, were in districts where the elections had been set aside by Governor Reeder himself, as before stated. All the testimony they took touching the elections at other places, was given by witnesses sent for and examined out of the vicinage; and much the larger portion of the testimony taken at the instance of the contestant was taken at Lawrence, the great rendezvous of the malcontents in the Territory. The object of the testimony of the witnesses produced by Governor Reeder, was to show that the election of the legislature on the 30th of March was carried by illegal votes from Missouri, notwithstanding he had officially adjudicated that question as governor of the Territory.

And before proceeding to notice in detail the testimony, such as it is, adduced for that purpose, it may be proper here to advert to some strange inconsistencies in the report of the majority, and which are apparent upon its face. They say, for instance, "this unlawful interference has been continued in every important event in the history of the Territory. *Every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constables to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers, and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory."

This is certainly very broad and sweeping language; and who, after having heard it read, was not surprised to hear the same gentlemen admit, in an after part of their report, in speaking of the first election for a delegate to Congress, November 29, 1854, and after giving all the facts in relation to that election, that General Whitfield was duly elected a delegate to Congress? They say, "*of the legal votes*

cast, General Whitfield received a plurality," and was consequently duly elected. And if he was duly elected by *legal votes*, as they were forced to admit from the evidence, then the result could not have been affected by non-resident voters.

The undersigned does not deem it necessary for him to say more upon the subject of that election, which was the first object of their inquiry.

The majority admit that General Whitfield was duly elected by the actual settlers of the Territory, and those who were entitled to vote. This admission is a sufficient answer to their previous statement, that no person had been elected by the settlers, and that they had been unable to find that any political power whatever, however unimportant, had been exercised by the people of the Territory. Like inconsistencies appear in their statements concerning the election of members of the legislature on the 30th of March, 1855.

They say in the first place, in relation to this election, that companies of men from Missouri "were arranged in regular parties, and sent into *every council district in the Territory*, and into *every representative* district *but one*. The numbers were so distributed as to control the elections in *each district.*"

And then, under the head of "tenth district," they say, "this and the 'eighth election district' formed one representative district, and was the *only one* in which the invasion from Missouri did not extend." But under the head of "twelfth district," they say, "the election in this district was conducted fairly; no complaint was made that illegal votes were cast."

And again, under the head of "seventeenth district," they say, "the election in this district seems to have been fairly conducted, and not contested at all. In this district the pro-slavery party had a majority."

These contradictory statements, to the undersigned, seem wholly inexplicable, and he leaves them for the majority to reconcile or explain as best they may. But the undersigned affirms, that the weight of testimony shows that the majority of the legal voters in fourteen out of the eighteen election districts in the Territory were in favor of the party electing a majority of the legislature, as returned and certified to by the governor. And the testimony as to the other districts, while it is contradictory on some points, is far from being conclusive that a like majority did not exist in them. This, moreover, appears from the report of the majority itself, without referring to the testimony.

The Territory was divided into ten council election districts and fourteen representative districts. The first council district embraced the city of Lawrence—the stronghold of the abolition or free-State party, as it is called. In this council district, the whole entire vote cast for the free-State ticket was but 255. The whole number of legal voters in that district, by the census in February before, was 446. These figures are taken from the tabular exhibit given by the majority themselves. And it is also in proof by Mr. Ladd, one of Gov. Reeder's main witnesses, that at least fifty illegal votes were

given for the free-State ticket in Lawrence by eastern emigrants just arrived, and not entitled to vote.

These figures and this fact show that the free-State ticket did not receive a majority of the legal voters in this district; for if fifty be taken from the 255 cast for their ticket, it would leave only 205, being 61 short of a majority of the 466 legal voters in the district. That Missourians may have voted there illegally, does not, and cannot, vary this result. But the election at Lawrence was set aside by Gov. Reeder for informality in the return.

The undersigned has compiled tables, comparing the votes cast for the free-State ticket in the several council districts and representative districts in the Territory. This is taken from the tables exhibited by the majority. It is part of their own showing. In it will be seen the number of votes cast in each district for the free-State tickets, compared with the number of voters at the time the census was taken in each respectively; and from this it will appear that the free-State votes fell far short of being sufficient to elect a majority in either branch of the legislature, even if there had been no increase of voters, by *bona fide* settlers, between the time the census was taken and the election.

But the concurrent testimony of a number of witnesses establishes the fact conclusively, in the opinion of the undersigned, that the emigration of *bona fide* settlers from the southern States was greater in the month of March, after the census was taken, than in any equal time previous.

Here are the tables:

REPRESENTATIVE DISTRICTS.				COUNCIL DISTRICTS.			
No. of representative district.	No. of voters by census.	No. of votes for free-State ticket.	No. of representatives.	No. of council district.	No. of voters by census.	No. of votes for free-State ticket.	No of councilmen.
1	97	19	1	1	466	255	2
2	369	253	3	2	212	12	1
3	212	12	2	3	193	44	1
4	101	4	1	4	442	156	2
5	92	49	1	5	253	----------	1
6	253	35	2	6	201	140	1
7	242	152	4	7	247	----------	1
8	99	120	1	8	215	60	1
9	102	26	1	9	208	----------	1
10	83	----------	1	10	468	66	2
11	47	54	2				
12	215	----------	2				
13	203	----------	2				
14	335	59	3				

This shows that the aggregate of the votes cast in the Territory for the free-State ticket fell short of 800, while the census shows that there

were 2,905 legal voters in the Territory in the February previous. The free-State ticket, therefore, did not receive one-third of the legal voters of the Territory, even if all be excluded from the account who emigrated to the Territory after the census was taken.

This fact was apparent to the majority of the committee. But they attempted to break its force in two ways: First, by comparing the names on the poll-books with those on the census returns, from which comparison they argue that only a fraction over 1,300 of the legal voters upon the census returns voted at that election. And secondly, by arguing that the abolitionists were prevented from voting by violence, threats, and intimidation.

On the first point, the undersigned deems it unnecessary to say more than that no comparison between the poll-books and the census returns was made except by districts. Between the time of taking the census and the election, settlers had changed their residence from one part of the Territory to another, and doubtless voted in a place different from that in which they were registered when the census was taken. The committee did not compare the names on the poll-books with the names on the census returns throughout the Territory, and the comparison alluded to by the majority, therefore, by no means proves what they claim for it.

On the second point the undersigned will barely state that there is no evidence that any violence was resorted to, or force employed, by which men were prevented from voting at a single election precinct in the Territory, or that there was any greater disturbance at any election precinct than frequently occurs in all our State elections in exciting times. A number of witnesses on both sides swear that men on both sides had arms, guns, pistols, bowie-knives, &c., and made threats, &c. But no one of them swears that any one was prevented from voting by the use of these weapons in a single instance, to the best of the undersigned's recollection. The testimony from beginning to end does not disclose the fact of a single assault and battery at or about the polls, or on account of the side on which any one wished to vote or had voted, in the whole Territory, on the day of election. Some quarrels and fights occurred at two or three places, but not about voting, and not as many in the whole Territory as the undersigned is informed occurred at one precinct in this city at the late municipal election.

The undersigned will now take up and proceed with the districts in their order. He now refers to the election districts. There were eighteen of these.

First Election District.

The testimony in this district shows that a great many strangers were present, some with wagons and tents; that considerable excitement prevailed. But there is no positive evidence of but a very few persons, known at that time to be citizens of Missouri, being present. All else is hearsay, vague and uncertain. While this is so, Mr. Salster, in his deposition hereunto appended and made part of this report, testifies as follows:

"I emigrated into the Territory of Kansas in June, 1854, and settled in the neighborhood of Lawrence, and have resided there ever since."

"My acquaintance was reasonably extensive in that district. I knew about 400 voters who resided in the district, but I did not know near all of the resident voters of that district. So far as I know, all the resident voters of that district were present and voted."

"At the time of the election of the 30th March, 1855, there was a majority of pro-slavery residents in the Lawrence district. I was well acquainted in the district. There were about 200 free-State resident voters in that district, and there were from 300 to 400 pro-slavery voters at the polls that day, whom I knew to be residents of that district, and a great many of them voted in my presence, and the others told me they had voted."

Besides this, the testimony of other witnesses shows that a large immigration of *bona fide* settlers from Missouri came into the district after the census was taken, and before the election.(1) The parties, says one witness, were pretty nearly divided—perhaps more of the free-State than pro-slavery party; but the free-State party were divided, and many voted for the pro-slavery candidates.(2) There was *no intimidation or force* used to prevent any of the free-State party from voting, and all could have voted who wished to vote.(3) In the afternoon some one hundred men, who had come in with Dr. Charles Robinson from the east, marched over to the polls and voted the free-State ticket.(4) They were said to have come into the Territory that very day.(5)

From this testimony, it is difficult for the undersigned to see how the majority of the committee could come to the conclusion to which they arrived, that even in the Lawrence district there was a majority of the legal voters for the free-State ticket.

Second District.

In regard to this district, the testimony is conflicting and contradictory; but the weight of the evidence, in the opinion of the undersigned, shows that there were many settlers came into this district after the census was taken, and before the March election. On the morning of election the free-State judges took arms with them into the judges' room. The free-State men, under the lead of Judge Wakefield, took possession of the polls, and required all the pro-slavery men to be sworn without discrimination, and did not swear any free-State men. The pro-slavery residents objected to this, and declared that both parties ought to be sworn alike. After some time the free-State judges resigned, and other judges were selected by the crowd. No intimidation was used to prevent the free-State men from voting, but all were asked to come up and vote. The pro-slavery

(1.) Horatio Owens, James Whitlock, A. B. Wade.
(2.) James Whitlock, A. B. Wade.
(3.) Horatio Owens, J. Whitlock, A. B. Wade.
(4.) J. Whitlock, A. B. Wade, J. M. Banks.
(5.) James Whitlock, John M. Banks.

ticket had a majority in the district, as the free-State party were not united on their ticket.(6) In addition to the general testimony relating to this district, the undersigned begs to call the attention of the House especially to the testimony of Parris Ellison, one of the judges to hold said election, appointed by Governor Reeder himself, which deposition, with others in relation to the election in that district, is hereunto appended and made part of this report. Mr. Ellison, in his deposition, among other things, says :

"The undersigned, Parris Ellison, states on oath : That I emigrated from Missouri to Kansas, and settled at Douglas, the second district, in October, 1854, and have resided there ever since. I was present at the election held at Mr. Burson's, in the second district, on the 30th March, 1855. I was appointed by Governor Reeder as one of the judges, and Mr. Burson and Mr. Ramsay, I think, were the other two. We met at Mr. Burson's house in the morning before the hour to open the polls. Mr. Burson was a magistrate, appointed by Governor Reeder, and he qualified me and qualified Ramsay. Ramsay qualified Burson. We appointed the clerks, and qualified them. George W. Taylor was one of the clerks. My son Parris was very sick at the time, and I wanted to resign. I proposed to resign if the other judges would permit me to name a man to serve in my place. Judge Wakefield, one of the candidates on the free-State ticket, was in the room, and interfered, telling the judges that they had power to name the man. They refused to let me appoint a man in my place, and I determined to serve, and did serve. I remarked to the other judges that we were sworn to act impartially during the whole day. They said, Yes ; we are sworn to act impartially. We agreed that, inasmuch as they knew a great many voters that I did not know, and I knew a great many that they did not know, that those whom I knew should vote without swearing, and those whom they knew I would not require of them to be sworn. Under this agreement we commenced the election. After some twenty-nine or thirty votes were taken, the pro-slavery party had some two to one against the free-State party. The other two judges began to grumble. Dr. Brooks came up to vote. I knew Dr. Brooks had a claim in that district, and had been on it, and had put a house on it.

"Dr. Brooks was a single man, and afterwards brought his mother there, and has resided there ever since. At the time of the election Dr. Brooks claimed to be a citizen of the district. I knew him to be a resident, and under our agreement I wanted to take his vote without swearing, but the other two judges refused to take his vote unless he would swear; this he refused to do, because he said that he had understood that, under the agreement, if Mr. Ellison took his vote without requiring him to swear, that was all that was necessary. The other two judges still refused to take his vote. The doctor stood at the window a long time, and said, that unless they would let him vote, as he was a citizen of the district, and had been for some time previous, no other man should vote there that day. I told them that if they refused his vote it would create a fuss and confusion, and

(6.) George W. Ward.

that it would be violating the agreement made before the election began; but still refused. Sherman Woffal then came up to vote; but they refused to take his vote without swearing. Sherman said that he could prove by me that he was a citizen of the district, and had been a citizen of the district from the fall before. I knew that Mr. Woffal was a resident of the district, for he was living there when I went to the district to live. I bought hay of Mr. Woffal before the election, which he had made and cured the summer before. They still refused to let him vote, unless he would swear. He refused to swear because they, the judges, would not let him prove his residence. He said he would not swear. I had not, up to this time, objected to any of the persons that came up to vote which the other two judges said they knew. I had kept the agreement made between us to the word and letter. On account of this conduct on the part of the other two judges, a fuss and confusion arose in the crowd outside of the house. While the fuss was going on, I proposed to adjourn, as I told them I thought it would be over in half an hour or so. Mr. Burson, thereupon, adjourned for half an hour. He proclaimed the adjournment aloud. I told each one of the judges to pick up a poll-book. I took the ballot-box, which one of the judges tried to take from me. I think it was Ramsay, but am not certain. Sharp words passed between us, but I kept the ballot-box, and they took the poll-books and went off. A man by the name of Jones asked me where the poll-books were? I told him that Burson and Ramsay had taken them off. He followed them, and brought the poll-books back. I waited until the half hour had expired, and the other two judges did not come back. I waited ten minutes longer. I called them; but they did not come. I called them again, and they did not appear. I told the people that I would wait five or ten minutes longer, and if the other two judges did not come they would have a right to select two men to act in their places. I waited ten minutes and they did not come, and the people elected two men to act in their places, namely, Sherman Woffal and Frank Labay. They were qualified. I asked Mr. Taylor to repeat the oath to them, which he did; but, by mistake, Mr. Taylor signed the oath instead of myself. Mr. Taylor had been sworn in as a clerk by Mr. Burson and Mr. Ramsay. Messrs. Woffal and Labay and I then opened the polls, and the election went off quietly during the remainder of the day. We kept the polls open until 6 o'clock in the evening. Andrew McDonald was the pro-slavery candidate for council, and Judge Wakefield was the free-State candidate for council. O. H. Brown and Mr. Ward were the pro-slavery candidates for the house of representatives, and Jesse was one of the free-State candidates for the house, and the other I do not remember. All the votes received after we began the second time were for the pro-slavery candidates. The ballot-box which I took possession of at the time of the adjournment I carefully preserved, and did not open it until 6 o'clock in the evening. It was then opened in presence of the other two judges, who had been selected by the people, and the clerks. The ballots were counted, and there were twenty-one votes for the pro-slavery ticket, and

twelve votes for the free-State ticket. When we commenced the election the second time, we got another ballot-box.

"When I got there in the morning, there were some thirty or forty men present about the house, and when I went into the house I saw some fifteen or twenty guns standing in one corner of the house, which had been brought there by the free-State men. When the adjournment took place, the guns were taken away by the free-State men. These guns were all the guns that I saw on the ground. I did not see a gun in the hands of a pro-slavery man that day. There was no charge made with either guns or pistols or other weapons at the window, nor were there any threats of violence made by the pro-slavery men. There was no violence committed by the pro-slavery men there that day to the judges, nor were there any threats of violence offered, as I saw. I did not see Mr. Samuel Jones pull out his watch and say to the judges, Ramsay and Burson, that he would give them five minutes to resign, nor did I hear him afterwards say to them that he would give them one minute to resign. If this had occurred, I should have seen and heard it, for I was in the house all the time, and was at the door when these two judges came out. I did not see Samuel Jones in the house at any time while Ramsay and Burson were there. In my neighborhood I was well acquainted with the settlers there, and at the time of the election and before. The residents were almost all pro-slavery. From what I knew myself, and the information received from the census taker and others, I am satisfied that the pro-slavery party had a decided majority in the second district."

This is the district in which it is represented that sheriff Jones figured so conspicuously. The testimony of Mr. Ellison clearly disproves all such allegations. Other depositions, herewith filed and made part of this report, fully confirm the testimony of Mr. Ellison.

Third District.

The testimony in relation to this district is, that the pro-slavery party had a majority among the actual settlers of the district.(7)

Fourth District.

The testimony in relation to this district shows that the pro-slavery party had a majority among the actual settlers.(8)

Fifth District.

In this district the testimony goes to show that there was a majority for the free-State party.

Sixth District.

The testimony goes to show that the pro-slavery party had a major-

(7.) Geo. Holmes.
(8) A. S. Johnson, T. Mockbee.

ity of the actual settlers in this district, and also that most of the free-State men voted for the pro-slavery candidates.(9)

Seventh District.

The testimony shows that the pro-slavery party had a majority among the actual settlers in this district.(10)

Eighth District.

As to this district, no testimony was taken on either side, so far as the undersigned now remembers.

Ninth District.

The testimony shows that in this district the pro-slavery party were in the majority among the actual settlers.(11)

Tenth District.

The testimony shows that the election was conducted fairly in this district, and the result would not have been changed by the rejection of all the illegal votes on both sides.

Eleventh District.

In this district there is no evidence to impeach the correctness of the election returns as made to and sanctioned by the governor.

Twelfth District.

There is no evidence to impeach the correctness of the returns of election for this district.

Thirteenth District.

The evidence shows that there was a pro-slavery majority of the actual residents in this district, and that there was no force or intimidation used to prevent free-State men from voting.(12)

Fourteenth District.

The evidence shows that the pro-slavery party was largely in the majority among the actual residents in this district; that the election was peaceable and quiet, and that no intimidation was used to prevent any one from voting.(13)

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(9) Wm. Barbee, Joseph C. Anderson, S. A. Williams, T. B. Arnett.
(10) C. A. Linkenauger, Andrew Johnson.
(11) C. R. Mobley, Thomas Reynolds.
(12) Wm. Tebbs, O. H. Tebbs, and others.
(13) W. P. Richardson, Willard P. Hall, J. H. Whitehead, J. P. Blair, and others.

Fifteenth District.

The evidence in regard to this district shows that the pro-slaver party were largely in the majority among the actual residents—probably ten to one—and that there was no force or intimidation used to prevent any man from voting.(14)

Sixteenth District.

The evidence shows that the election in this district was conducted peaceably and quietly, and no intimidation or force used to prevent any one from voting. There was a decided pro-slavery majority among the actual settlers in this district.(15)

Seventeenth District.

The evidence shows that in this district the election was conducted peaceably and quietly, and that the pro-slavery party were in the majority among the actual settlers.(16)

Eighteenth District.

The evidence shows that the election was conducted peaceably and quietly, and that there was a decided pro-slavery majority among the actual settlers in this district.(17)

Upon an examination of the testimony taken before the committee, what the undersigned has affirmed in relation to these several districts will be found to be sustained by the proof. And from all the testimony collected, when compared and weighed properly, the undersigned feels confident that it will appear to every unprejudiced mind, not only that General Whitfield was duly elected, by the actual and *bona fide* residents, a delegate to Congress at the first election, in November, 1854, but that the free-State party was in the minority in the Territory at the March election in 1855, for members of the legislature; and that that election was not carried either by force, violence, or non-residents, but that a majority of the legislature was duly elected as certified to by the governor, and was properly constituted as a law-making body; and, as a consequence, that the laws passed by them, as far as they are consistent with the constitution of the United States and the organic act of the Territory, are valid; and, as a further consequence, that the sitting delegate, having been duly elected a delegate to Congress under a Territorial law thus passed, is entitled to a seat on this floor as such.

And having gone through this branch of the subject, the undersigned now beg leave to refer to other matters alluded to by the majority of the committee in their report. They speak of a certain secret political society formed in the State of Missouri, known by different

(14) John W. Martin, N. Williams.
(15) W. G. Matthias, L. J. Eastin, R. R. Rees, Amos Rees, A. T. Pattie, J. H. Day, A McAuley, and others.
(16) Cyprian Chouteau, Rev. T. Johnson.
(17) R. L. Kirk, J. W. Foreman.

names, such as "Social Band," "Friends' Society," "Blue Lodge," "Sons of the South"—the object of which was to send emigrants into Kansas for the purpose of making it a slave State.

In reply to this part of their report it is only necessary to state that the evidence shows that these organizations were formed for the purpose of counteracting similar and other organizations, first started at the east and elsewhere, for the purpose of colonizing the Territory with persons for the avowed object of making Kansas a free State, and in this way ultimately affecting injuriously the institutions of Missouri.

The first society of this kind was formed in the city of Washington, immediately after the passage of the Kansas-Nebraska bill. It was composed of members of Congress of both branches, and others.

The undersigned refers, in this connexion, to the testimony of the Hon. Daniel Mace, a member from Indiana, which is appended to this report and made part thereof. In his deposition he states that such an association was formed in Washington immediately after the passage of the Kansas-Nebraska act. It was called the Kansas Aid Society, the members of which subscribed various sums of money, he himself subscribing $50 or $100, he is not certain which amount. The object of the movement was to induce persons to go to Kansas who would make that their home, and who would at all elections vote against the institution of slavery. Mr. Goodrich, a member of the House of Representatives from Massachusetts, was the president of the society.

Soon after this society was formed, other societies were formed in the eastern States for the same object; that is, for the purpose of sending persons to Kansas to control the elections there. A society of this kind formed in Boston, Massachusetts, commenced sending emigrants to Kansas for this avowed object. To show the object of this last-named Emigrant Aid Company, the undersigned begs leave to refer to a letter written by Thomas H. Webb, corresponding secretary of the company, and which is among the testimony taken by the committee. It is as follows:

BOSTON, *August* 14, 1854.

DEAR SIR: By the pamphlet mailed you, much of the information which you desire can be obtained.

The next party will leave here on the 29th inst., at quarter past 2 p. m.; they will go *via* Buffalo, Detroit, Chicago, Alton, and St. Louis, and will disembark at Kansas City, near the mouth of Kansas river. The fare through will be about $25 for first-class accommodations; meals extra, which need not cost, on an average, more than twenty cents. Each person is allowed 100 pounds of baggage, and for all excess will be liable to pay about $3 per 100. Children under three years will be taken free; between three and twelve, pay half-price. No pledges are required from those who go; but as our principles are known, we trust those who differ from us will be honest enough to take some other route.

The agent who located our pioneer party will accompany the next one, and furnish all requisite information.

Yours, respectfully,

THOMAS H. WEBB,
Sec. Em. Aid Co.

A. JENNINGS, *Provincetown, Mass.*

The undersigned also refers to a pamphlet admitted in evidence before the committee, from which he submits the following extracts:

"THE PIONEER PARTY.—Charles H. Branscomb, esq., one of the company's agents, went up with the pioneer party, and located them on a beautiful tract of land previously selected by him as an advantageous position for a town-site. This spot is situated six miles above the Wakarusa, a tributary of the Kansas river, and about thirty-five miles above the mouth of the latter stream, on its south side. For a brief description, the reader is referred to the paragraph commencing on page eleven, and continued on page twelve, of this pamphlet.

"Mr. B. travelled in various sections of the Territory, and says it is impossible for one who has not been in that region to conceive of its beauty and fertility; he confirms all the statements that have been made respecting it in our pamphlet.

"The second party left this city on Tuesday, the 29th of August. They reached Kansas City September 6th, and entered the Territory under the guidance of Charles Robinson and S. L. Pomeroy, agents of the company. They were cordially received by the pioneer party, and have made a joint settlement at the beautiful site selected by Mr. Branscomb.

"The third party, under the guidance of Mr. Branscomb, (who has returned twice from Kansas since July,) left Boston September 26th. It numbered eighty-six persons, to which accessions were made at Worcester, Rochester, and elsewhere westward. Messrs. Pomeroy and Robinson are making great exertions to accommodate the parties for the winter, and to provide the materials for the erection of houses in the spring. This pressure of business involves a large expenditure, which their experience will enable them to make with prudence and discretion. But their drafts cannot be met with the funds in the hands of the trustees, unless '*material aid*' furnished by those who wish for success to the enterprise shall be very much greater than it has been thus far.

"The fourth party left this city the 17th of October. It numbered 123 individuals, to which sixty were added at Worcester, a number at Springfield, Albany, Rochester, and Buffalo. At Chicago a large accession was anticipated, and ere leaving St. Louis the number will exceed 250."

This was all in the summer and fall of 1854, and prior to the first election for a delegate to Congress, in November of that year. Whatever organizations, therefore, were formed in Missouri, of the character alluded to by the majority of the committee, were formed solely and expressly for the purpose of counteracting those organizations previously formed elsewhere. This the testimony abundantly proves.

The testimony also shows that emigrants going out under those and similar organizations were supplied with arms and munitions of war. Great numbers of Sharpe's rifles and several pieces of artillery were sent to the Territory. And if arms were taken by emigrants from Missouri, it was only for the purpose of defence against arms in the hands of emigrants from other quarters.

The testimony shows that large numbers of persons sent out by these eastern societies went into the Territory during the month of March, just before the election, declaring it to be their intention to vote; that they came there for that purpose; and in a few days after the election, great numbers of these persons were seen returning to the north and east, saying, many of them, that they had voted.* The testimony also shows that a large number of Missourians went over to the Territory on the day of election, merely to prevent illegal voting on the part of these eastern emigrants, and few of these Missourians, and only a few, are proven to have voted, and their names given, by the testimony; not as many in all as those of the eastern emigrants, who it is proven voted illegally at Lawrence.

The majority of your committee in their report say, that the only cause of the hostilities in the Territory was the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

The undersigned, however, is unable to concur with them in that allegation. On the contrary, he affirms, what he believes to be the truth of the matter, that the cause of all the difficulties in the Territory of Kansas, from its organization down to the present time, is to to be found, first, as before stated, in the various organizations of members of Congress, and in the northern and eastern States, with the avowed purpose of colonizing the Territory with persons of anti-slavery sentiments, to the end of making Kansas a free State; secondly, that finding themselves defeated and thwarted in their purpose of electing a legislature in favor of making Kansas a free State, as shown in a former part of this report, being chagrined and mortified, they, the anti-slavery party in the Territory of Kansas, in a fit of desperation, determined to set themselves up in opposition to, and in resistance of, the laws passed by the Kansas legislature, and to resist them to a "bloody issue," if necessary to their defeat and utter subversion. Indeed, the undersigned affirms, that even before the legislature convened, there were propositions made to form an organization of a military character, to resist any and all laws which might be enacted by that legislature, by force of arms, even should such resistance result in the subversion of the government of the Territory, and to the peril of the Union itself.

In proof of this allegation, the undersigned begs leave to refer to the testimony of Dr. J. N. O. P. Wood, which is as follows:

"I came into the Territory first about the 1st of April, 1854; I located permanently in Lawrence about the 7th of October, 1854; I resided there until some time the last of March, or the 1st of April last, and then I went to Lecompton. About the time I came there,

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*F. M. Mahan, H. M. Blossom, and others.

there was considerable difficulty between what was called the Lawrence Association, of which Dr. Robinson was president, and the settlers that were not members of this association. The members of the association held a meeting two or three evenings after I got there, and elected a judge, and a Mr. Grover marshal, and organized a company, which I think they called the 'shot-gun battalion,' for the purpose of preventing persons that did not belong to their association from settling about the place, and taking timber and stone from the claims of those who did live there. They said there was no law in the Territory; that the organic act was unconstitutional—made so by the repeal of the Missouri compromise; and that they intended to form an association, and make and enforce their own laws, irrespective of the laws of Congress, until there could be a change in Congress, by which the Missouri compromise could be restored, and the organic act set aside.

"There was no open opposition to the execution of the laws until Governor Reeder appointed justices of the peace, and one or two members of this association were arrested. They refused to recognise the power of the justice of the peace, and refused to attend as witnesses, and would only attend their own provisional court, as they termed it.

"When the legislature was about to be elected, they held a meeting, and brought out their candidates. After the legislature was elected, and before they met, there were several meetings held in Lawrence, and at those meetings they passed resolutions declaring they would submit to no laws passed by that legislature. This was what was called the Lawrence association, different from the town association. It was composed of men sent out under the auspices of the Emigrant Aid society, and Dr. Robinson was at the head of the association. Many belonging to this association lived in different parts of the Territory. They were allowed to vote at the meetings of the association, which I sometimes attended, and those who were not enrolled as members of the association were not allowed to vote or debate at their meetings. Some of them lived at Ossawatomie, Topeka, Manhattan, and other places in the Territory. They resolved not to obey the laws that would be passed by the legislature, and only obey their own provisional laws until they could form a provisional government for the Territory.

"The first general meeting, while the legislature was in session, was held in Lawrence in July or August, 1855. Before that time their meetings had been of the association; but this was the first general meeting. That was the first meeting at which I recollect hearing Colonel Lane take ground in opposition to the laws that the legislature, then in session, should pass. All the public speakers that I heard there, said they did not intend to obey the laws that should be passed, but intended to form a provisional government for themselves. After the legislature adjourned, the first meeting at which I heard any declarations with regard to the resistance of the laws was held at Blanton's bridge. Col. Lane, Mr. Emery, and Mr. John Hutchinson addressed the meeting, urging the people to resist the laws, let the consequences be what they might.

"In private conversation with those men, they always expressed

their determination to resist the laws, and said the officers and posse should not enforce the laws. They said they had a new code of laws called Sharpe's Revised Statutes, and they were going to use them in preference to any others. It was a common remark, that they would use Sharpe's revised statutes in preference to any others.

"I think the first box of rifles came there marked Revised Statutes. I think after Mr. Dietzler came back he said he brought the rifles with him. When they were brought to Lawrence they wanted to put them in my warehouse. They were lying at my door, and I inquired what they were, and Mr. Salter, who was keeping the warehouse for me, said they were emigrant aid guns. I objected to their being put in my warehouse, and they were taken and put in Mr. Simpson's office. I told them I would not be the first to harbor guns brought there for revolution.

"I often expostulated with Lane, Robinson, and others, both publicly and privately, as to their course, and addressed the meeting at Blanton's bridge in opposition to their course. They said they would resist the laws regardless of consequences.

"The next public meeting I recollect of was the Big Springs convention. At that convention I had but little conversation, except with Governor Reeder and Judge Johnson. Prior to the meeting several days, Governor Reeder came up to our place. I heard that he was urging the people to resist the laws, and do so by setting a different day for the election of delegate to Congress, on which he should be voted for. I called on him at his room, and asked him if he had recommended that course, and he said that he had intended to have returned to Pennsylvania, but upon reflection he had concluded that if they would take that course at the convention, he would be a candidate for Congress, and had returned from Kansas City, where he had taken his trunks and baggage. He said he had understood since he came there that Lane, Roberts, and others, would be candidates before the convention; but if they would withdraw, and the course he had indicated was taken, he would be a candidate for Congress. He said it would give him an opportunity to bring the matter before Congress, and with the majority they had then in Congress against the democratic party he thought he could succeed in ousting General Whitfield if elected.

"A meeting was held in Lawrence, and it was agreed upon that a different day should be fixed upon for the election; and the candidates who were there—Robinson, Lane, and some others—agreed to withdraw in favor of Governor Reeder. This was four or five days before the Big Springs convention.

"I rode up to that convention in company with General Pomeroy, who invited me to go up with him. At the convention I had another conversation with Governor Reeder. We had always been on the most intimate terms, and I talked with him as I would with any friend. I talked with him, and said that I thought that by taking that course, and thereby repudiating the laws, it would bring a state of anarchy upon the Territory that he nor I would probably live to see the end of. I said it would be opening the door and giving an invitation to outlaws outside of the Territory to come and make that

the field of operations; that it would bring about a state of things that would be injurious to the country, by preventing capitalists from risking their means in such a country.

"He replied that he thought differently; that they had determined to adopt the platform of the Topeka convention, held before that time, recommending the formation of a provisional government. I think he took a pencil and draughted a resolution recommending the calling of a convention to form a State constitution. He said he would offer that resolution; they could go on and form their State constitution, appoint an executive committee to issue a proclamation calling for the election of delegates to form a free-State constitution, and they would elect their members to the legislature, pass their laws; and if Congress did not admit them, they would pass their own laws, and go on independently of Congress, until such time as they could be admitted.

"I remarked, that would bring them immediately in conflict with the acts of the Territorial legislature, one or the other of which must become supreme; and I thought it would necessarily bring on a collision between the two opposing parties, and involve the country in an armed difficulty.

"He replied, that they had made up their minds to resist the laws, and by forming a free-State constitution they could get the aid and sympathy of the North to help them enforce their provisional laws; that they were determined to resist the Territorial laws. That was about the substance of the conversation.

"In his speech before the convention, he urged them to resist the Territorial laws at all hazards. I have read the speech of Gov. Reeder as reported in the proceedings of the Big Springs convention, in a printed copy now before me. I cannot say that it contains all his speech. He spoke for an hour, or a little over an hour. I understood him distinctly to say this: that he wanted them, if they had any regard for their rights, not to appeal to the laws for redress, nor answer others if appealed to. He called them 'bogus' laws, meaning thereby the Territorial laws. That, I think, is about the substance of what he said.

"I came down home, I believe, in company with Judge Johnson, who disapproved of the course adopted. I had conversations with Governor Reeder afterwards, but we held our respective positions.

"A proclamation was issued by what was called the Executive Committee, calling an election for State officers and legislature, a convention to form a State constitution having met and formed a State constitution. I talked with Lane and Robinson often about this matter. There were free-State men in Lawrence who opposed this course, and oppose it yet. I myself co-operated with the free-State party, until they took these revolutionary steps, and then I left them.

"I lived in Illinois twelve years before I came to this Territory."

Indeed the undersigned affirmed, upon the testimony, that either before the meeting of the legislature, or during its session, or after its adjournment, there were other organizations formed, to resist by force of arms the execution of any laws the legislature might pass, or any which they had passed, at all hazards, even to the destruction of the

Territorial government, and the dismemberment of the confederacy itself. In proof of this assertion the undersigned begs leave to refer to the testimony of Pat. Laughlin, and the testimony of Dr. Andrew J. Francis.

Pat. Laughlin testifies, in substance, that he came to Kansas from the State of Kentucky, in May, 1855. He settled in Doniphan, and favored the free-soil sentiment. He became a free-soiler about the middle of August, 1855, and had a meeting of that party on the 25th of the same month; at which meeting S. Collins presided.

The meeting—although it was one intended for all of the fourteenth election district, as designated by Gov. Reeder, in his official proclamation governing the spring election of 1855—had but about forty members in it, and that, too, in a district far more thickly populated than any other district in the Territory of Kansas.

This meeting was addressed by A. Lazelere, Dr. G. A. Cutler, C. W. Stewart, B. Harding, and others, all of whom urged very strongly on the meeting the necessity of forming a society something on the order of the "Know-nothings," by which they could unite their small party, and labor more effectually against the pro-slavery party. This idea was received with general acclamation by every member of the meeting but himself. He thought this a good sign of their "Know-nothing" origin. He therefore opposed the manœuvres they were making; told them if they went into such measures, they would find in him an unrelenting enemy. They, sooner than cause any disturbance in their yet feeble ranks, gave up all thoughts of such organizations. The meeting then went on; and, after disposing of all business before it, we had speeches from several of the leading men—S. Collins, Dr. G. A. Cutler, C. W. Stewart, John Fee, A. Lazelere, B. Harding, B. G. Cady, and others—many of whom strongly urged that the people ought to rise in arms, and with their might resist the authorities; and sooner than permit slavery in Kansas, or even to submit to the repeal of the Missouri Compromise, to go with all their might for a disunion of the States; and, in order to effect their purpose, shed, if necessary, the last drop of their blood. Those speeches were received with acclamation by the poor deluded listeners. He was appointed at this meeting, together with several others, to represent the people of this (14th) district at the Big Springs convention, to be held on the 5th of September. Next day several of the delegates met, and solicited him to go before the rest several days, that he might find out what our party was doing in other parts of the Territory. He started for Lawrence on the 27th of August, and after riding as far as Ocena, in Atchison county, he stopped at the house of Mr. Crosby, and made himself known to him. He then made him acquainted with the secret military organization, which organization had been on foot from the 4th of April, 1855. (There was another society previous to this.) Mr. Crosby then gave him a letter of introduction to G. W. Brown, of the Herald of Freedom.

He went to Lawrence, and after acquainting Brown with his business, and giving him the letter of Mr. Crosby, he showed him a great number of Sharpe's rifles—he supposed about 75 or 100—and told him they were sent to them by the Emigrant Aid Society, of Boston; that

this society had also sent, and would continue to send, men and means to make Kansas a free State by force, if necessary. He told him that the arms and munitions of war were sent generally as dry goods or books to the agent of the society; and were sent concealed in this manner, that they might not be detected by the United States officers. He told him that when our regiment would number thirty men, we could send a delegate to Boston; but that he must first visit Lawrence, where he would get letters of introduction to the society in Boston, who would furnish us with as many rifles as we had men to bear them in the neighborhood; and, furthermore, that he would get them gratis.

While in Lawrence, a box of goods came, directed to C. Robinson; it was taken into the room where they hold their secret meetings. A friend of his invited him to go up with him to see the kind of goods they received from the East. He went up, and, to his surprise, saw in the box a lot of blue jackets and white pants for military uniform; also a drum and drum-sticks.

The lookers-on winked with their eyes, as though they meant something. There was a large house, which answered the double purpose of a hotel and fort, and with which the public is very familiar; it was then in the course of erection by the Emigrant Aid Society of Boston; it had port-holes in it for guns. He was told by Mr. Brown, Mr. Conway, Hutchison, and Lowry, and many other leading men among the abolitionists, that this hotel was intended principally for a fortification for their town, for they expected their conduct would bring them, before long, into a collision with the authorities.

A. H. Reeder seemed very well acquainted with the secret military order. Immediately after he told his business to Mr. Brown, and let him know he was a member of the secret order, he had an introduction to A. H. Reeder. They both then got up and went into the back room, where the rifles were, about twenty-five feet from him, and stood in a position on the floor where he had a full view of them. He could see from their actions, and from part of their conversation, which he overheard, that he and the society were the principal topics of their conversation. When they finished their interview a preacher came in, and he was introduced as late of Boston. The three then began a conversation, in which the topic was, what men and means they could get by the next election, which was to come off in the fall, for delegate to Congress. They spoke of a preacher who had gone to Boston for the express purpose of getting voters and other means to insure success at the coming election.

Pursuant to public notice, the convention of the abolitionists met at Big Springs, on the 5th of September, 1855; also the executive committee. This committee claimed the sole right to govern the Territory. He was introduced to this convention by A. H. Reeder. His manner of introducing him was very strange, and he was made a member without being proposed in his hearing. Shortly after he was introduced to the committee a man whose name, he thought, was McCullough, and whose accent and outward demeanor bespoke him to be from the eastern States, offered the following resolution:

"*Resolved,* That every reliable free-State man in the Territory be

furnished with a rifle, a brace of pistols, and a sabre, gratis; and that he be required to take an oath to come when called upon, and muster into service under his superior officer, and to sacrifice his life, if necessary, to rescue the person and property of any person who would be brought under the jurisdiction of the present laws of the Territory."

The above resolution was seconded, and received by loud stampings in every part of the house, except the chairman, (C. Robinson,) who remained silent a few moments, as though lost in deep thought. He at last spoke up, and asked the gentleman to withdraw his motion, and they would act upon it in a more private manner. All seemed silent and seemed to wonder at the chairman's course. Another spoke up, and said he thought the resolution interfered with provisions already made.

The chairman said he thought not; but, for reasons he cared not to give at present, he wished the gentleman to withdraw his resolution, and let them act upon it in a more private manner. It was then withdrawn. This committee, in assuming the government of the Territory, appointed two governing committees of three men each side of the Kansas river, whose duty it was to establish post offices, mail routes, and mail carriers, to carry and take care of all free-soil and abolition mails, which was confined to the Territory. These two governing committees had the power to appoint persons who would arbitrate all difficulties arising in their respective districts. Persons so appointed were subject to removal, and responsible to the governing committee for any neglect of duty or abuse of power. In like manner, the governing committees were responsible to the executive committee.

All expenses of the above-named officials were to be borne by the executive committee, who would derive the necessary aid from the eastern States and the Emigrant Aid Society of Boston. The executive committee issued orders for all free-State men to give into the governing committees all the statements they could which would effect anything in weakening the pro-slavery party. He being further north than any of the other two who were on the committee with him, he had all the statements to take of those north of him, and any other direction that was convenient.

There were many who gave him their statements against the legislature and private individuals. All those who gave him any statements, had it in such language as was capable of being construed into a more dangerous meaning for the pro-slavery party, than what the real definition should be. Many of them told him they were making use of language that would make the pro-slavery party appear to the world more guilty than they in reality were; and no matter how false a meaning was put on their statements, they would be easy in conscience if they could realize their object. Many told him, when called upon, they were willing to swear that thousands of Missourians came over and voted, although he saw none; but admitted to him that they saw no Missourians vote, nor did they know of any who did. He had heard A. H. Reeder urge the people to rebellion and bloodshed, while they listened to him as though he were one of the prophets and patriarchs of old. He had heard men say, who appeared to take and hold

a high position among the abolitionists, openly boast that they had helped to run off negroes from the south into Canada, and hoped the day was near at hand when they would succeed in all their designs, and settle those gentlemen of color along the shores of Kansas, where they could make war on the institutions of the South—particularly of Missouri—till there would not be a slave left in it. Such are the principles of those who keep Kansas in a state of rebellion, and such are the men who are the leaders of the abolitionists—leading them on to thievery, treason, and death.

He has heard Judge Johnson, of the United States supreme court for the Territory, often instruct the people that, when called on to swear in the Territory, they might swear to what suited them, and they would not be perjured, as there was no law in the Territory. Whilst in Lawrence as delegate to the convention of the free-State men to be held at Big Springs, he heard many of the people say many of their people returned after the spring election. There were a great many camps at Lawrence then. Some of those forming the camps told him that they would return to the States in the latter part of the fall. At the fall and winter election for a delegate to Congress, for a State constitution and the formation of a State government, the judges of the polls had instructions publicly, that in case of Indian or other troubles they might adjourn from day to day, and finally to any other district in the Territory, to hold their election. But the private instructions were, if pro-slavery men attempted to vote, and were likely to have a majority, they must adjourn from day to day, and finally to any free-soil district in the Territory. He heard many of the people in Lawrence curse the Emigrant Aid Society of Boston, and say if it did not pay them soon they would return to the States, for it had failed to pay them for some time. He was told by several of the emigrants in Lawrence that the Emigrant Aid Society of Boston paid the expenses of all men who would come out to Kansas to vote for it to be a free State. .

The following is an extract from the deposition of Andrew J. Francis:

"Offers were made to me by various persons to introduce me to a secret political organization. The only name I ever received as a member of the lodge was 'Kansas Regulator.' The next morning I was conversing with Governor Reeder, Jas. H. Lane, G. P. Lowry, and several others, one by the name of Chapman and one by the name of Hornsby; but both these gentlemen had merely come up to us as we were standing on the corner of the street talking. I had noticed black ribbons tied in the shirt-bosoms of several gentlemen; I noticed one or two tied to Governor Reeder's shirt-bosom. I made the inquiry as to what those black ribbons meant. Colonel Lane asked me to go with him, and he would show me something that would please me better than what I had seen the night before. The night before I had attended a masonic lodge. Colonel Lane was in the lodge while I was there. I made some reply to Lane, as though awaiting to go with him, saying that I would have to see something that would please me extraordinarily well, if it pleased me better than what I had seen the night before. I went with Colonel Lane to the

law-office of John Hutchison, as I afterwards found out. Governor Reeder did not go into the room where I was initiated. Doctor Robinson was standing just before the door, with a lady, I think. Colonel Lane asked him to leave the lady and go into the office with us. Robinson rather objected at first, but finally came in with us and said he would explain the nature of the organization he was about to initiate me into. The substance of the explanation was that Kansas was a beautiful country and well adapted to freedom, and the best territory in the world for the friends of freedom to operate on, more especially for those who were engaged in the free-white State cause. After proceeding in that strain for awhile, he asked me if I was willing to pledge my word and honor that I would keep secret what I saw there and who I saw there, provided he would pledge his word and honor that there was nothing that would interfere with my duties as a citizen, or that was disloyal in any respect. I replied that I was willing. He then gave me some other instructions that I do not now recollect, of about the same import as the first. Colonel Lane then took me in hand and told me that he could administer the grand obligation, which was done by my repeating after him, as follows:

'I, of my own free will and accord, in the presence of Almighty God and these witnesses, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person in the known world, except it be to a member of the order, or within the body of a just and legal council. I furthermore promise and swear, that I will not write, print, stain, or indite them on anything movable or immovable, whereby the least figure or character may become intelligible to myself or any other person. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to obey, even to death, the orders of my superior officers. I furthermore promise and swear, that I will at all times, and under all circumstances, use my influence to make Kansas a free-white State. I furthermore promise and swear, that all things else being equal, I will employ a free-State man in preference to a Missouri man, or a pro-slavery man. I furthermore promise and swear, that all business that I may transact, so far as in my power, shall be transacted with free-State men. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to take up arms in defence of free-State principles, even though it should subvert the government. I furthermore promise and swear, that I will at all times, and under all circumstances, wear upon my person the regalia of my office and the insignia of the order. I furthermore swear, that I will at all times, and under all circumstances, wear on my person a weapon of death. I furthermore promise and swear, that I will at all times, and under all circumstances, keep in my house at least one gun, with a full supply of ammunition. I furthermore promise and swear, that I will at all times, and under all circumstances, when I see the sign of distress given, rush to the assistance of the person giving it, even when there is a greater probability of saving his life than of losing my own. I furthermore promise and swear, that I will, to the utmost of

my power, oppose the laws of the so-called Kansas legislature. I furthermore promise and swear, that when I hear the words of danger given, I will repair to the place where the danger is. I furthermore promise and swear, that if any part of my obligation is at this time omitted, I will consider the same as binding when legally informed of it. I furthermore promise and swear, that, at the first convenient opportunity, I will commit this obligation to memory. To all of this I solemnly swear, without equivocation or self-evasion, binding myself under the penalty of being declared a perjuror before Heaven and a traitor to my country.'

"I then remarked to Col. Lane, that that was a very serious obligation. He replied it was; and also stated that it was necessary for me to become acquainted with the signs and pass-words. The sign of recognition is given by placing the right thumb under the chin, and the fore-finger of the right hand by the side of the nose, quietly scratching or rubbing it two or three times. The answer to it was given by placing the thumb and fore-finger of the left hand on the lower lip, as if rubbing it. The grip was given by locking the two first fingers of the right hand over each other. The words accompanying the grip are these: The one giving you the grip would ask: 'Are you in favor of Kansas becoming a free State?' The answer was: 'I am, if Missouri is willing.' The means by which persons procured admission into the council was, by going to the door the sentinel would then present himself. The person applying would say 'Kansas,' accenting the last syllable. The person would then advance to the centre of the room and salute the colonel, by placing his right hand just above his forehead. The regalia was this: The private members wore a black ribbon tied upon their shirt-bosoms; the colonel wore a red sash; the lieutenant-colonel a green sash; the major a blue sash; the captains white sashes; the lieutenants yellow sashes; the orderly sergeant a very broad black ribbon upon the shirt-bosom. Col. Lane then remarked to me that I had been made acquainted with the principles of the institution, and that it was the determination of the free-State party not to submit to the laws of the legislature, or to any opposition that might come from Missouri or any other quarter. I remarked to the Colonel that I was sworn to support those laws in taking my oath as a lawyer, and that I considered that that oath was administered by a higher power than he exercised, and hence I should not keep the obligation he had given to me; and under no circumstances would I do anything to subvert the institutions of the country, or place myself in opposition to the laws; and he might depend upon it, I would expose it the first convenient opportunity. I also told him I could not consistently keep both obligations that had been imposed upon me; that I was also a member and minister of a religious denomination, and that it would not be consistent with my Christian duties to keep the obligation he had imposed on me; that I should most certainly, when the subject came up, expose it. He stated then to me, that if that was my determination, and I did express myself so publicly, I would hardly get away from the city with my life. I replied to him that I would express myself so under all circumstances, both in public and private."

It now being most fully shown, as the undersigned believes, that the anti-slavery party formed secret political organizations of a military character to resist, with force of arms, the execution of the laws of the Territory, and to defend themselves against any effort which might be made by officers to enforce obedience to the laws and authorities of the Territory; after preparing the minds of the people to embark in any measures, however reckless and desperate in their nature and characters, the primary objects of these seditions, secret associations were boldly developed at a convention held by the anti-slavery party at Big Springs on the 5th and 6th days of September, 1855. But, before proceeding further in relation to this convention, the undersigned deems it proper to remark, that after the legislative election in March, 1855, Governor Reeder issued his proclamation, convening the legislature at Pawnee city, upon the express understanding that if there were not sufficient accommodations there for the members and officers of the legislature, they could, strictly in accordance with the provisions of the organic act, adjourn to any other point in the Territory, and if they did so he would co-operate with them. In proof of this, reference is made to the testimony of the Rev. Thomas Johnson, a member of the council. The legislature consequently met at Pawnee city. They remained there but a short time, as they found no accommodations for the members and officers of the legislature, the great majority of them having to camp out and cook their own provisions, there not being boarding-houses in the place sufficient to receive and accommodate them. The cholera also broke out there, and several deaths occurred in consequence. The legislature then adopted a resolution adjourning to Shawnee Mission. It is evident that Pawnee city was not a suitable place for the convening of the legislature, because of the absence of all accommodations for members, as well as being 145 miles from the Missouri river, whence they derived chiefly their supplies for subsistence. The house in which they were convened had neither doors nor windows, and but a temporary floor.

While in session, however, at Pawnee, the governor recognised them as a legally constituted legislative body, as will be more fully shown by reference to his message to that body; but, after they removed to Shawnee Mission, he vetoed all the bills they passed, of every description, upon the ground that they were sitting then at a place not authorized by law—the only ground alleged.

Meanwhile, "The governor, instead of exercising constant vigilance, and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from his official obligations by other interests, and himself set the example of a violation of law in the performance of acts which [as it seems] rendered it the duty of the President of the United States, in the sequel, to remove him from the office of chief executive magistrate of the Territory."

The undersigned, in proof of the want of accommodations at Pawnee city, refers to the testimony of Rev. Thomas Johnson, member of the council, A. S. Johnson, Thomas Barbee, Wm. G. Matthias, and other

members of the legislature, as taken before a justice of the peace, and properly certified, which the undersigned begs to have considered a part of this report.

After the removal of Governor Reeder, chagrined as he evidently was, he is found an active member of the Big Springs convention, held on the 5th and 6th days of September; at which convention, as it is proven by the testimony of Marcus J. Parrott, a free-State man, and a member of the free-State legislature, taken before your committee, the following resolutions, drawn up in the hand-writing of Gov. Reeder, were adopted. They are taken by the undersigned from a certified copy of the proceedings of said convention, in evidence before your committee, and are as follows:

"*Resolved*, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas, and that every freeman amongst us is at full liberty, consistently with all his obligations as a citizen and a man, to defy and resist them, if he chooses to do so.

"*Resolved*, That we will resist them, primarily, by every peaceable and legal means within our power, until we can elect our own representatives, and sweep them from the statute-book; and that, as the majority of the supreme court have so far forgotten their official duty, have so far cast off the honor of the lawyer and the dignity of the judge, as to enter, clothed with the judicial ermine, into a partisan contest, and by an extrajudicial decision, given opinions in violation of all propriety, have prejudged our case before we could be heard, and have pledged themselves to these outlaws in advance to decide in their favor, we will, therefore, take measures to carry the question of the validity of these laws to a higher tribunal, where judges are unpledged and dispassionate, where the law will be administered in its purity, and where we can at least have the hearing before the decision.

"*Resolved*, That we cannot and will not quietly submit to surrender our great 'American birthright'—the elective franchise—which, first by violence, and then by chicanery, artifice, weak and wicked legislation, they have so effectually accomplished to deprive us of, and that we with scorn repudiate the 'election law,' so-called, and will not meet with them on the day they have appointed for the election, but will ourselves fix upon a day for the purpose of electing a delegate to Congress

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a *bloody issue*, as soon as we ascertain that peaceful remedies shall fail and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms."

And, finally, as the natural result of the foregoing proceedings of the free-soil party in the Territory, the laws were violated, their execution openly resisted by them, till at length came the difficulties at Lawrence, in the fall of 1855, and after the Big Springs convention

in regard to which, as the most reliable testimony taken by your committee, the undersigned begs to refer to the evidence of Governor Wilson Shannon, which is as follows: "That, as to the origin, progress, and conclusion of the difficulties at Lawrence last fall, (1855,) he begs leave to refer to his two despatches to the President of the United States, with the accompanying documents—the first dated on the 28th day of November, and the second on the 11th day of December, 1855—as containing what deponent believes to be a correct history and account of those transactions."

The following are the despatches and documents referred to by the witness:

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, November 28, 1855.

SIR: Affairs in this Territory are daily assuming a shape of real danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization which has for its object, among other things, resistance to the laws by force.

Until within a few days past I have looked upon the threats of leading men and public papers who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command for any given purpose more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist and aid each other in the resistance of the laws when called upon so to do. Independent of the disclosures made by those who formerly belonged to this association and the hints thrown out in some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim; in which the former was shot and died immediately. Coleman was taken into custody for trial, by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Lecompte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the mean time a large body of armed men, said to be from three to four hundred, collected at and near Lawrence for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was convey-

ing the prisoner to Lecompton, he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands, and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place there were from sixteen to twenty law and order families, and about one hundred free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band.

Cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes, and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and indeed far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff, and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory—a prudent and discreet man—a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which I believe a sufficient force will be raised to protect the sheriff, and enable him to execute the legal process in his hands.

The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory cannot be protected by law, there is an end to practical government, and it becomes a useless formality.

The excitement along the border of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check, heretofore, by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this accociation. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border excitement, and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and

order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri, and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line to redress real and supposed wrongs inflicted on friends that cannot be controlled, or for the moment resisted. It is in vain to conceal the fact: we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this by the aid and assistance of the citizens of this Territory is the great object to be accomplished, to avoid the dreadful evils of civil war. I believe this can be done; in this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Lecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody, and open defiance bid to the law. I am also duly advised that an armed band of men have burnt a number of houses, destroyed personal property, and turned whole families out of doors in Douglas county. Warrants will be issued against those men, and placed in the hands of the sheriff of Douglas county for execution. He has written to me, demanding three thousand men to aid him in the execution of the process of the law and the preservation of peace.

You are, therefore, hereby ordered to collect together as large a force as you can in your division, and repair without delay to Lecompton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power, if required in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

I have the honor to be, your obedient servant,

WILSON SHANNON

Major General WILLIAM P. RICHARDSON

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: I am this moment advised, by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Lecompton, whom he has arrested by virtue of a peace warrant, he was met by a band of armed men, who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and at as early a day as practicable report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance in your power, in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the said sheriff in the execution of the law, and no other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. J. STRICKLER.

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, December 11, 1855.

SIR: In my despatch to you of the 28th ultimo, I advised you of the threatened difficulties in relation to the execution of the laws of this Territory in Douglas county. The excitement which then existed continued to increase, owing to the aggravated reports from Lawrence and that vicinity in relation to the military preparations that were being made to attack the sheriff and resist the execution of the laws. The excitement increased and spread, not only throughout this whole Territory, but was worked up to the utmost point of intensity in the whole of the upper portion of Missouri. Armed men were seen rushing from all quarters towards Lawrence, some to defend the place, and others to demolish it. The orders I had issued to Major General Richardson and General Strickler had brought to the sheriff of Douglas county a very inadequate force for his protection, when compared with the forces in the town of Lawrence. Indeed, the militia of the Territory being wholly unorganized, no forces could be obtained except those who voluntarily tendered their aid to the sheriff, or to Generals Richardson and Strickler. The whole force in the Territory thus obtained did not amount to more than three or four hundred men, badly armed, and wholly unprepared to resist the forces in Lawrence, which amounted, at that time, to some six hundred men; all remarkably well armed with Sharpe's rifles and other weapons. These facts becoming known across the line, in the State of Missouri, large numbers of men from that State, in irregular bodies, rushed to the

county of Douglas, and many of them enrolled themselves in the sheriff's posse. In this state of affairs, I saw no way of avoiding a deadly conflict but to obtain the use of the United States forces at Fort Leavenworth, and with that view I addressed you a telegraphic despatch, and received on the 5th instant your very prompt and satisfactory reply of the 4th instant, a copy of which I immediately transmitted, by special despatch, to Colonel Sumner, with the request that he would accompany me with his command to the scene of difficulty. In reply, I was informed he would immediately do so, having no doubt that in due time proper instructions would be received from the War Department. Information, however, which I received from both parties, convinced me that my presence was necessary to avoid a conflict, and without waiting for Colonel Sumner, I repaired to the seat of threatened hostilities, at the same time advising Colonel Sumner, by special despatch, of this movement. On my way to Lawrence, I met a despatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination, and that he would not march with his command until he had received orders from the proper department, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about three o'clock on the morning of the sixth instant. I found that General Strickler, as well as General Richardson, had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified, and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery, while, on the other side, there was probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in the camp that there was no safety to the law and order party in the Territory while the other party were permitted to retain their Sharpe's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp, and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many, to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell where it would end, and seeing no way to avoid it except by the aid of the United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special despatch about three o'clock on the morning of the 7th instant, requesting his presence; a copy of which I send you herewith, marked E. I received no reply

until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and in drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence, in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that, in the mean time, no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights and defended against any unlawful aggressions. It is proper I should say, that they claimed that a large majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ had issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be induced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his *posse*, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence. Early on the morning of the 8th, through the influence of some leading men, I procured thirteen of the leading captains in the Wakarusa camp to be appointed a committee to confer with a committee from the Lawrence camp, to meet at Franklin, midway between the two hostile forces. I proceeded to the Lawrence camp, and returned to Franklin in the evening, with the committee, where the proposed interview took place. This interview, which lasted for some time, resulted in producing a better state of feeling, and the committee from the Wakarusa camp were satisfied to retire without doing anything more, and so reported to the army. This, with the active exertions of myself and others, produced a better feeling among the men, and by daylight on the morning of the 9th, I felt I could with safety order the forces to disband, and accordingly did so. They retired in order, and refrained from any act of violence, but it was evident there was a silent dissatisfaction at the course I had taken. But I felt conscious I was right, and that my course would be sanctioned alike by the dictates of humanity and sound policy. I returned to Lawrence on the 9th, and remained until the morning of the 10th, when, everything being quiet and safe, I returned to this

place. Everything is quiet now; but it is my duty to say to you, frankly, that I have forebodings as to the future. The militia or volunteer corps cannot be relied on to preserve the peace in these civil party contests, or where partisans are concerned. A call on the militia will generally only bring in conflict the two parties. I am satisfied that the only forces that can be used in this Territory in enforcing the laws, or preserving the peace, are those of the United States, and with this view I would suggest that the executive of this Territory be authorized to call on the forces of the United States when, in his judgment, the public peace and tranquillity, or the execution of the laws, may require their assistance. Should there be an outbreak, it will most probably be sudden, and before orders can be obtained from Washington the crisis will have passed. I send you herewith the copies of various affidavits, letters, &c., which will give you some information in detail touching the subject-matter of this despatch.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

UNITED STATES OF AMERICA, } ss.
Territory of Kansas. }

Be it remembered, that on this sixth day of December, in the year A. D. 1855, personally appeared before me, J. M. Burrell, one of the associate justices of the supreme court of the said Territory of Kansas, Harrison Buckley, of lawful age, who being by me duly sworn, saith that he is a citizen of the county of Douglas, and has resided therein since 30th day of March last, and has resided during all that time at Hickory Grove; that he was informed on good authority, and which he believed to be true, that Jacob Branson had threatened his life, both before and after the difficulty between Coleman and Dow, which led to the death of the latter. I understood that Branson swore that deponent should not breathe the pure air three minutes after I returned, this deponent at this time having gone down to Westport, in Missouri; that it was these threats, made in various shapes, that made this deponent really fear his life, and which induced him to make affidavit against the said Branson, and procure a peace warrant to issue, and be placed in the hands of the sheriff of Douglas county; that this deponent was with the said sheriff (S. J. Jones) at the time the said Branson was arrested, which took place about two or three o'clock in the morning; that Branson was in bed when he was arrested by said sheriff; that no pistol or other weapon was presented at the said Branson by any one; that after the arrest, and after the company with the sheriff had proceeded about five miles in the direction of Lecompton, the county seat of Douglas county, the said sheriff and his posse were set upon by about between thirty and forty men, who came out from behind a house, all armed with Sharpe's rifles, and presented their guns cocked, and called out who they were; and said Branson replied that they had got him a prisoner; and these armed men called on him to come away. Branson then went over on their side, and

sheriff Jones said they were doing something they would regret hereafter in resisting the laws; that he was sheriff of Douglas county, and, as such, had arrested Branson. These armed men replied that they had no laws, no sheriff, and no governor, and that they knew no laws but their guns. The sheriff, being overpowered, said to these men, that if they took him by force of arms he had no more to say, or something to that import, and then we rode off. This deponent further states that there have been three houses burned in the Hickory Point settlement; one was this deponent's house, another belonged to Josiah Hargis, and the third to said Coleman. All I had in the world was burned up, leaving my wife and children without clothing. This deponent's wife and four children fled to Missouri, where they still remain with their relatives. The house of deponent was burned down, as it is said, shortly before daylight in the morning. The wives and children of both Coleman and Hargis also fled to Missouri, where they still remain. There were about fifteen or sixteen law-abiding families in the settlement called the Hickory Grove settlement about the time these difficulties sprung up; they have all been forced by terror and threats of these armed men to flee with their wives and children to the State of Missouri for protection, and still remain there. These armed men have repeatedly in my presence said that they would resist the law by force, and there was no law in this Territory. These threats have been repeatedly made by these men for the last three months. And further this deponent saith not.

H. H. BUCKLEY.

Sworn and subscribed the day and year above stated, before me.

J. M. BURRELL,
Associate Justice Supreme Court, Kansas Territory.

UNITED STATES OF AMERICA, } ss.
Territory of Kansas. }

Be it remembered, that on this 7th day of December, A. D. 1855, personally came before me, S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Josiah Hargis, of lawful age, who being by me duly sworn, deposeth and saith, that on or about the 26th day of November, 1855, in Douglas county, sheriff Jones called upon me, with nine others, to act as a posse to arrest one Jacob Branson, under a peace warrant issued by Hugh Cameron, a justice of the peace; that he proceeded with said sheriff to Hickory Point, in said county, and there arrested said Branson, with whom they proceeded in the direction of Lawrence. When near a house on the Wakarusa an armed mob of persons, amounting to between thirty and forty, rushed from behind said house, and by force did rescue said Branson out of the hands of said sheriff and posse, and in defiance of of said sheriff's command, take said Branson and refuse to deliver him to said sheriff. That the said sheriff told the said mob that he held said Branson under a peace warrant properly issued by a legally authorized officer; and that he was sheriff of said county of Douglas,

and charged with the execution of said writ. The leader of said mob replied to said officer that they knew him as Mr. Jones, but not as sheriff of Douglas county. He then told them that he would call out the militia to enforce the law. Their reply was that he could not get men to enforce said law. He told them then that he would call on the governor for assistance; to which the said mob replied that they had no laws and no officers, and to pitch in. Said mob stood with their guns cocked and presented at the time of said rescue.

This deponent further saith, one H. H. Buckley, of said county of Douglas, was with said sheriff at the time of said rescue, as one of said sheriff's posse; that during the same night on which said rescue was made, said affiant saw a light in the direction of said Buckley's house, and that he fully believes said house was at that time burned. That he believes, from circumstances within his knowledge, that said house, together with his own, was burned by persons concerned with said mob; and that he has reason to believe that some of said houses were fired by said Branson aforesaid, assisted by a German, commonly called Dutch Charley; and they were counselled and advised thereto by one Farley. This affiant further says, that at the time of the rescue of said prisoner he was at a house near Hickory Point, and that he there saw three women, who told him that there had been an armed force that day who notified them to leave, and all other pro-slavery families in the neighborhood; and since, said families have left said neighborhood and fled to the State of Missouri. Said affiant says that he believes there were at that time in said neighborhood about fifteen pro-slavery families, nearly all of whom have fled, as aforesaid, to the State of Missouri, for protection. Said armed force was represented to consist of from one hundred to one hundred and fifty armed men.

S. N. HARGIS.

Sworn and subscribed before me. S. G. CATO,
Associate Justice of Kansas Territory.

In relation to events which have transpired since the apppointment of your committee, the majority of your committee use this language: "Your committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment." The undersigned begs to say, that the majority of your committee did, however, take testimony as to events which "transpired since the date of their appointment." They admitted to record the testimony of Pardee Butler, as to his being tarred and cottoned at Atchison, and that of others touching other events, all happening after the date of their arrival in Kansas Territory, and consequently after that of their appointment. Having admitted testimony as to some events of the kind, it was but justice to all parties that counter testimony, relating to those as well as other events of the same kind, should be admitted. And thus the undersigned thought, when the counsel of General Whitfield sought to introduce evidence as to the Pottawatomie Creek murders, and other outrages. Having established a precedent, it was inconsistent for the majority of your

committee to refuse to take such testimony upon the ground that they had no "power," and that it was not their "duty" to investigate occurrences that "transpired since the date of their appointment." They exercised such a "power," and in part fulfilled such a "duty," when they took testimony prejudicial to the pro-slavery party; but when testimony unfavorable to the free-State party was sought to be introduced, it was then, and not till then, that the majority of your committee concluded that it was not within "their power or duty to take testimony as to events which transpired since the date of their appointment." But the majority of your committee extricated themselves from the dilemma in which they had, in this regard, placed themselves, by expunging testimony favorable to the free-State party side—testimony already received in relation to alleged violence shown to Pardee Butler and others, so that they could consistently refuse to admit testimony as to outrages committed by the free-State people, which in savage barbarity and demoniac cruelty have scarcely an equal in the history of civilized man. But, notwithstanding that the majority deemed it without their "power or duty" to investigate matters occurring since the time of their appointment, they have reported, and in their report dwelt with much warmth of expression upon, events which they admit "transpired since the date of their appointment"—events for which they do not claim to have a shadow of authority for their truth except vague rumor, and for which in fact there is none as yet shown; and the testimony in regard to at least one of which events they had expunged from the record, to wit, the tarring and cottoning of Pardee Butler. The undersigned is of the opinion, that if the majority of your committee are justified in reporting and dwelling upon occurrences for the truth of which they offer no proof, he is equally, if not much more strongly justified, in reporting and dwelling upon occurrences for the proof of which he has sworn testimony. The majority of your committee having presented, in their report, scarcely anything but what is favorable to the abolition party in Kansas and prejudicial to the law and order party, the undersigned deems it a duty, no less to the House than to the country and the cause of truth, to give some facts on the other side favorable to the other party in Kansas, so that in presenting both sides, the world may have a fair chance to get at the truth, and arrive at a just conclusion. The minority of your committee (the majority having alluded, in their report, to events as to which they refused to take testimony) has fortunately been furnished with sworn testimony to which he desires to refer, and which he considers important to lay before the House and the public. First in order of time are the murders committed on the night of the 24th of May, 1856, on Pottawatomie creek. In this massacre, it is known that five persons were killed in one night, viz: Allen Wilkinson, William Sherman, William P. Doyle, father, and William and Drury Doyle, sons. The undersigned begs leave to refer to various affidavits which he appends to and makes a part of his report.

Allen Wilkinson was a member of the Kansas legislature—a quiet, inoffensive man. His widow, Louisa Jane Wilkinson, testifies, that on the night of the 24th of May last, between the hours of midnight

and day-break, she thinks, a party of men came to the house where they were residing and forcibly carried her husband away; that they took him in the name of the "Northern Army," and that next morning he was found about 150 yards from the house, dead. Mrs. Wilkinson was very ill at the time with measles. Here follows an extract from her affidavit: "I begged them to let Mr. Wilkinson stay with me, saying that I was sick and helpless, and could not stay by myself. My husband also asked them to let him stay with me until he could get some one to wait on me; told them that he would not run off, but would be there the next day, or whenever called for; the old man who seemed to be in command looked at me, and then around at the children, and replied, 'you have neighbors.' I said, 'so I have, but they are not here, and I cannot go for them.' The old man replied, 'it matters not,' and told him to get ready. My husband wanted to put on his boots, and get ready, so as to be protected from the damp and night air, but they would not let him. They then took my husband away. * * * After they were gone I thought I heard my husband's voice in complaint. * * Next morning Mr. Wilkinson's body was found about 150 yards from the house, in some dead brush. A lady, who saw my husband's body, said that there was a gash in his head and his side. Others said that he was cut in the throat twice." Mr. Wilkinson was a poor man, and of course his widow was left destitute; but, regardless of this fact, they took away some property, including the only horse they had. Mrs. Wilkinson was presented at Westport, Missouri, with the necessary means to go to her father's in Tennessee. She has two small children. Mrs. Wilkinson's description of the leader of the men who murdered her husband suits Captain John Brown, a well known character in the abolition party. She says that her husband was a quiet man, and was not engaged in arresting or disturbing anybody. He took no active part in the pro-slavery cause, so as to aggravate the abolitionists; but he was a pro-slavery man.

The circumstances attending William Sherman's assassination are testified to by Mr. James Harris, of Franklin county, Kansas. Mr. Sherman was staying over night at the house of Harris, when, on the night of the 24th of May, about two o'clock, Captain John Brown and party came there, and after taking some property and questioning Harris and others, Sherman was asked to walk out. Mr. Harris, in his affidavit, says: "Old man Brown asked Mr. Sherman to go out with him, and Sherman then went out with Brown. I heard nothing more for about fifteen minutes. Two of the 'Northern Army,' as they styled themselves, staid with us until we heard a cap burst, and then these two men left. Next morning, about ten o'clock, I found William Sherman dead in the creek near my house. I was looking for him; as he had not come back, I thought he had been murdered. I took Mr. William Sherman (body) out of the creek and examined it. Mrs. Whiteman was with me. Sherman's skull was split open in two places, and some of his brains were washed out by the water; a large hole was cut in his breast, and his left hand was cut off, except a little piece of skin on one side."

In relation to the assassination of James P. Doyle and sons, the

affidavit of Mrs. Mahala Doyle, the widowed mother, was procured. William Doyle, one of the murdered, was twenty-two years of age; Drury Doyle, the other, was twenty years of age. Mrs. Doyle was left very poor, with four children—one of them only eight years old—to support. Mrs. Doyle testifies: "That a party of armed men came to her house about 11 o'clock, she thinks, on the night of the 24th of May; they first inquired where Mr. Wilkinson lived, and then made Mr. Doyle open his door, and went into the house, saying they were from the 'Army of the North,' and asking them to surrender." Says Mrs. Doyle: "They first took my husband out of the house, then they took two of my sons—the two eldest, William and Drury—out, and then took my husband and the two boys away. My son John (sixteen years old) was spared because I asked them, in tears, to spare him. In a short time afterwards I heard the report of pistols—two reports; after which I heard moaning, as if a person was dying; then I heard a wild whoop. * * * I went out next morning in search of them, and found my husband and William, my son, lying dead in the road, near together, about two hundred yards from the house. They were buried the next day. On the day of the burying I saw the dead body of my son Drury. Fear for myself and the remaining children induced me to leave the home which we had been living at, and I went to the State of Missouri."

The testimony of John Doyle goes to corroborate that of his mother. Here follows an extract: "I found my father and one brother (William) lying dead in the road, about two hundred yards from the house. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine. His fingers were cut off; his head was cut open; there was a hole in his breast. William's head was cut open, and a hole was in his jaw, as though it was made by a knife, and a hole was also in his side. My father was shot in the forehead and stabbed in the breast. I have talked often with northern men and eastern men in the Territory, and these men talked exactly like eastern men and northern men talk—that is, their language and pronunciation were similar to those of eastern and northern men with whom I had talked. An old man commanded the party; he was of dark complexion, and his face was slim. My father and brothers were pro-slavery men, and belonged to the *law and order party.*"

There seems to be little or no doubt that a certain notorious leader of the free-State party (as they call themselves) in Kansas, whose name it is not here deemed proper to give, was at the head of the party engaged in this fiendish massacre. Mr. Harris testifies that one John Brown, one of the leaders of the free-State party, was engaged in the killing of Sherman, and it will hardly be doubted that they who murdered Sherman also killed the rest—all being murdered on the same night and in the same neighborhood. Those who were killed, it is testified, were pro-slavery people; and the undersigned has no hesitation in saying that these ill-fated men were deprived of their lives, and their wives and children made widows and orphans, in consequence of the insurrectionary movements instigated and set on foot by the reckless leaders of the Topeka convention.

Next in order are the outrages committed on the property of Morton Bourn and that of J. M. Bernard. The affidavit of Mr. Bourn shows that, on the night of Wednesday, the 28th day of May, 1856, a party of abolitionists entered his house forcibly, threatened to take his life if he did not leave the Territory immediately; took all the money he had, which they said they wanted to carry on the war. They also took guns, saddles, and horses, and then robbed his store of various articles. Mr. Bourn, on oath, says: "I own slaves, and have a crop of corn and wheat growing. Have never taken any active part with the pro-slavery party, only voted the pro-slavery ticket, and was for sustaining the laws. * * * These men said I must leave in a day or two or they would kill me, or hinted as much—said I would not fare well, or words to that effect. I left for fear of my life and the lives of my family. They said that the war was commenced, that they were going to fight it out, and drive the pro-slavery people out of the Territory, or words to that amount. The men that robbed my house and drove me away from my property were abolitionists, or free-soilers. * * * I believe they hated me so because I am a pro-slavery man, and in favor of the Territorial laws, and because I served on the last grand jury at Lecompton."

But the most flagrant case of robbery that occurred while your committee were in Kansas was the plundering of Mr. Joab Bernard's store and premises. Mr. Bernard is quite a young man, and of highly respectable family. While prosecuting his business, he was warned that his life was in danger, and was compelled to leave his home for safety; and during his absence his store was robbed of nearly four thousand dollars' worth of goods and money, and his premises of cattle and horses of the value of at least one thousand more. The facts of this case are testified to by Messrs. John Miller and Thomas S. Hamilton. Mr. Bernard testifies himself as to his life being threatened, and the amount of goods in his store and other property on the premises. Messrs. Miller and Hamilton corroborate his testimony, and the undersigned makes their depositions a part of his report. St. Bernard, J. M. Bernard's place, is situated in Douglas county, on the California and Fort Scott road, about thirty miles from Lecompton. The robbery took place on the 27th day of May, 1856. In his affidavit, Mr. Miller says: "I was in the store with Mr. Davis. Whilst there a party of thirteen men came to the store on horseback, armed with Sharpe's rifles, revolvers, and bowie-knives. They inquired for Mr. Bernard. I told them that he had gone to Westport. One of them said to me, 'You are telling a God damned lie,' and drew up his gun at me. Some of them came into the store, and the rest remained outside. They called for such goods as they wanted, and made Mr. Davis and myself hand them out, and said if we 'didn't hurry' they would shoot us. They had their guns ready. After they had got the goods—they wanted principally blankets and clothing—they packed them upon their horses and went away. Mr. Joab Bernard is a pro-slavery man." Mr. Miller recognised one of the party as an active free-State man. They on the next day came back with a wagon, and took the remainder of the goods in the store, except about one hundred and fifty dollars' worth—including flour, sugar, coffee, bacon,

and all kinds of provisions, as well as two fine horses, three saddles, two bridles, and all the money there was in the store. In the conclusion of his affidavit, Mr. Miller says: "When they first came, they looked up at the sign, and said they would like to shoot at the name." The affidavits accompanying this report are full and explanatory, and the undersigned begs to make them a part of his report. They are sworn to before a justice of the peace for Jackson county, Missouri, and the seal of the Jackson county court is attached to the clerk's certificate, as to the official character of the justice of the peace. The undersigned thinks that, in reviewing these outrages, he did not inappropriately characterize the Pottawatomie creek murders as instances of "savage barbarity and demoniac cruelty," while the robberies of Bourn and Bernard are almost without parallel in the history of crime in this country. In this connexion, the undersigned deems it proper to state that the report so currently circulated throughout the country, to the effect that the lamented Wilkinson, Sherman, and the Doyles were caught in the act of hanging a free-State man, and were shot by a party of free-soilers, is without the least foundation in truth—that it is entirely false.

In conclusion, the undersigned begs to report the following facts and conclusions, as he believes, established by the testimony and sanctioned by the law:

First. That at the first election held in the Territory under the organic act, for delegate to Congress, Gen. John W. Whitfield received a plurality of the legal votes cast, and was duly elected such delegate, as stated in the majority report.

Second. That the Territorial legislature was a legally constituted body, and had power to pass valid laws, and their enactments are therefore valid.

Third. That these laws, when appealed to, have been used for the protection of life, liberty and property, and for the maintenance of law and order in the Territory.

Fourth. That the election under which the sitting delegate, John W. Whitfield, was held, was in pursuance of valid law, and should be regarded as a valid election.

Fifth. That as said Whitfield, at said election, received a large number of legal votes without opposition, he was duly elected as a delegate to this body, and is entitled to a seat on this floor as such.

Sixth. That the election under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held under any law, but in contemptuous disregard of all law; and that it should only be regarded as the expression of a band of malcontents and revolutionists, and consequently should be wholly disregarded by the House.

Seventh. As to whether or not Andrew H. Reeder received a greater number of votes of resident citizens on the 9th, than J. W. Whitfield did on the 1st of October, 1855, no testimony was taken by the committee, so far as the undersigned knows, nor is it material to the issue.

All of which is respectfully submitted.

M. OLIVER.

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